

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

AMERICAN INTERNATIONAL GROUP, INC., <i>et al.</i> ,)	
)	
)	
Plaintiffs,)	
)	No.: 07 CV 2898
v.)	
)	Judge Robert W. Gettleman
ACE INA HOLDINGS, INC., <i>et al.</i> ,)	
)	Magistrate Judge Sidney I. Schenkier
Defendants.)	
)	
LIBERTY MUTUAL INSURANCE CO., <i>et al.</i> ,)	
)	
Counter-Claimants,)	
)	
v.)	
)	
AMERICAN INTERNATIONAL GROUP, INC., <i>et al.</i> ,)	
)	
)	
Counter-Defendants.)	
)	
SAFECO INSURANCE COMPANY OF AMERICA and OHIO CASUALTY INSURANCE COMPANY, individually, and on behalf of a class consisting of members of the National Workers Compensation Reinsurance Pool,)	
)	No. 09 C 2026
)	
)	Judge Robert W. Gettleman
)	
)	Magistrate Judge Sidney I. Schenkier
)	
Plaintiff,)	
)	
v.)	
)	
AMERICAN INTERNATIONAL GROUP, INC., <i>et al.</i> ,)	
)	
)	
Defendants.)	

**ORIGINAL CLASS PLAINTIFFS'
MOTION FOR LEAVE TO FILE OVERSIZED BRIEF**

Safeco Insurance Company of America and Ohio Casualty Insurance Company (“Original Class Plaintiffs”) move, pursuant to Local Rule 7.1 and this Court’s Revised Standing Order Regarding Motion Practice, for leave to file a nineteen-page memorandum of law in support of their Motion to Strike All or Portions of Declarations Submitted with June 3 Reply Briefs (“Motion to Strike June 3 Declarations”), a copy of which is attached hereto. In support of this motion, Original Class Plaintiffs state:

1. On June 3, 2011, ACE INA Holdings, Inc., Auto-Owners Insurance Co., Companion Property & Casualty Ins. Co., FirstComp Insurance Co., The Hartford Financial Services Group, Inc., Technology Insurance Co., and The Travelers Indemnity Company (“Intervenors”) and defendants American International Group, Inc. and those of its present and former subsidiaries and affiliates who are parties to this litigation (“AIG”) collectively filed over nine hundred pages of material in connection with their reply briefing in further support of their Joint Motion for Class Certification and Preliminary Approval of Class Action Settlement. The voluminous material submitted includes Intervenor’s seventy-nine page reply memorandum with sixteen attached declarations and AIG’s fifty-one page memorandum with four attached declarations. This was in addition to the original Joint Motion filed on January 28, 2011, which included a thirty-page memorandum and attached two declarations, and material submitted in connection with a supplemental briefing filed on February 25, 2011, which comprised well over one thousand pages of material.

2. The declarations attached to Intervenors’ and AIG’s reply submissions raise evidence and issues for the first time in reply that could have been raised earlier and suffer from several evidentiary deficiencies. For these reasons, Original Class Plaintiffs move to exclude

certain declarations or portions of declarations submitted with the replies in their Motion to Strike June 3 Declarations.

3. Original Class Plaintiffs have attempted to keep the memorandum in support of their Motion to Strike June 3 Declarations as short as possible. Given the impropriety of and deficiencies in the voluminous declarations submitted by Intervenors and AIG in reply, Original Class Plaintiffs are unable to stay within the fifteen-page limitation, but only require a few additional pages to fully present their arguments. For this reason, Original Class Plaintiffs respectfully request to file nineteen pages in support of their Motion to Strike June 3 Declarations.

WHEREFORE, for the reasons set forth herein, Original Class Plaintiffs respectfully request that the Court enter an Order granting them leave to file their nineteen-page memorandum of law, a copy of which is attached hereto.

Dated: June 13, 2011

Respectfully submitted,

SAFECO INSURANCE COMPANY OF
AMERICA AND OHIO CASUALTY
INSURANCE COMPANY

By: s/ Gary M Elden
One of their Attorneys

Gary M. Elden (#0728322)
Matthew O. Sitzer (#6210083)
GRIPPO & ELDEN LLC
111 South Wacker Drive
Chicago, IL 60606
(312) 704-7700
gelden@grippoelden.com
msitzer@grippoelden.com

Michael A. Walsh (admitted *pro hac vice*)
Allison D. Burroughs (admitted *pro hac vice*)
NUTTER, McCLENNEN & FISH, LLP
155 Seaport Boulevard
Boston, Massachusetts 02110
Telephone: (617) 439-2775
mwalsh@nutter.com
aburroughs@nutter.com

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on June 13, 2011, I caused a true and correct copy of the foregoing **ORIGINAL CLASS PLAINTIFFS' MOTION FOR LEAVE TO FILE OVERSIZED BRIEF** to be filed with the Clerk of the Court and served using the CM/ECF e-filing system upon all counsel of record.

s/ Gary M. Elden

Gary M. Elden

**EXHIBIT A
TO BE FILED UNDER SEAL**